

### **REMARKS**

The Office Action dated October 1, 2004 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-10 stand rejected and pending and under consideration.

### **REJECTION UNDER 35 U.S.C. § 103:**

*In the Office Action, at page 2, item numbered 6, claims 1-10 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,305,423 to Hodges et al. ("Hodges") in view of U.S. Patent No. 6,192,237 to Clapton et al. ("Clapton"). The Office Action took the position that Hodges and Clapton disclose all the aspects of claims 1-10. The rejection is traversed and reconsideration is requested.*

Independent claim 1, upon which claims 2-9 are dependent, recites a method of updating a virus signature database used by anti-virus software operating on a mobile wireless platform, comprising sending update data via a signalling channel of a mobile telecommunications network to the mobile wireless platform.

Independent claim 10 recites a method of protecting a wireless device against viruses, comprising: maintaining a database of virus signatures on the device, updating the database by receiving data containing virus signatures in one or more Short Message Service (SMS) or Unstructured Supplementary Services Data (USSD) messages, and searching for virus signatures contained in the database.

As will be discussed below, the cited prior art of Hodges and Clapton fail to disclose or suggest the elements of any of the presently pending claims.

Hodges generally describes a method for updating local client computers with antivirus software updates from a central antivirus server. See column 4, lines 46-67. A user of the client computer is connected to the Internet, a push agent software operates in the background to receive updated antivirus files from the central antivirus sever across the Internet. Further, antivirus files on a plurality of client computers on a corporate computer network are automatically updated using push technology and automated network installation scripts. However, Hodges fails to teach or suggest that there may be anything other than Internet (i.e., TCP/IP) connections. As described in Hodges, instead of a user data channel such as the Internet connection used to carry TCP/IP traffic, the present invention provides a mechanism and method for delivering anti-virus updates to wireless platforms and delivering updates via a signalling channel.

Hodges suggests that network connection methods such as dial-up internet connections may be used to connect a client terminal and a server provider. However, there is no teaching or suggestion in Hodges that the connection methods may be anything other than Internet TCP/IP connections. The alternatives suggested in Hodges are connections to the Internet. See column 14, lines 8-10. As correctly recognized in the Office action, there is no teaching or suggestion in Hodges of “sending update data via a signalling channel of a mobile telecommunications network to the mobile wireless platform,” as recited in independent claim 1, and “updating the database by receiving

data containing virus signatures in one or more Short Message Service (SMS) or Unstructured Supplementary Services Data (USSD) messages,” as recited in independent claim 10. Accordingly, the Office Action relies on Clapton as describing such recitations.

In Clapton, an arrangement is provided allowing a user of a mobile telephone 11 to use intelligent network (IN) services specific to his home network. According to Clapton, when a user makes an outgoing call attempt, the associated signalling is transmitted over a signalling channel (step 1). See column 5, lines 1-5. The user can be connected through an MSC 13 of a system other than his home system (a process known as “roaming”). However, Clapton does not cure the deficiencies of Hodges. Clapton does not relate to a method of updating a virus signature database used by anti-virus. Instead, Clapton limits its description to provide a call-set up process. Further, in Clapton, by merely indicating that outgoing calls from the user over the signalling channel, that alone does not teach or suggest, “sending update data via a signalling channel of a mobile telecommunications network to the mobile wireless platform,” as recited in independent claim 1.

Clapton limits its description to provide conventional uses of USSD messages. Specifically, Clapton provides that USSD has only been used to update more static customer data, such as setting up a call-forward arrangement representing advice of the user's own telephone number. See column 2, lines 51-57. However, there is no teaching or suggestion in Clapton of “updating the database by receiving data containing virus

signatures in one or more Short Message Service (SMS) or Unstructured Supplementary Services Data (USSD) messages,” as recited in independent claim 10.

There is nothing in Clapton to suggest that USSD messages may be used to carry application updates, such as anti-virus updates. Contrary to the contentions made in the Office Action, there is no teaching or suggestion in Clapton of providing any reference to SMS messages. Accordingly, even if Hodges and Clapton were combined, a combination thereof would not provide for all the recitations of independent claims 1 and 10.

One of the many advantages of the present invention is providing a considerable advantage over Internet delivery mechanisms insofar as anti-virus application and signature database updates are concerned. For instance, according to an aspect of the present invention, by providing “sending update data via a signalling channel of a mobile telecommunications network to the mobile wireless platform,” updates can be delivered even though no Internet connection has been established by the wireless platform. As long as the platform is switched on and registered within a network, an update can be delivered. Also, according to an aspect of the present invention, updates can be delivered as and when required. The time lag between the generation of a signature for a new virus and the installation of that signature in the signature database of the wireless platform can be made extremely short, for instance, in matter of minutes.

In contrast with typical TCP/IP access mechanisms as the ones described in Hodges, another advantage of the present invention is that there is typically a minimal

cost for delivering an update to the user, for instance, a monthly or annual service charge for maintaining the anti-virus application. Another significant benefit of the present invention, users perceive a high quality of service on the part of the anti-virus provider (or possibly network operator, if the users' service contracts are with the operator rather than the application provider) due to a high visibility of a delivery mechanism as opposed to a background delivery, for instance, during an ongoing Internet session.

According to the Office Action, "it is obvious that the virus signature update system presented by Hodges can be extended to a wireless environment. Sending the update on a signalling channel would have also been obvious in light of Clapton's statement, 'another benefit for the mobile system is that by the user of USSD a signalling channel can be used, instead of a traffic channel' and further he states, 'the use of a signalling channel is therefore a much more efficient usage of the spectrum capacity.'" However, as previously indicated, Hodges only provides or suggests that a client terminal and service provider may be anything other than Internet. Although wireless communication may be a known networking connection medium, either Hodges or Clapton teach or suggest that sending update data may be done using the signalling channel of a mobile telecommunications network to the mobile wireless platform as in the present invention.

Accordingly, it is only with the benefit of improper hindsight that the invention can be argued to be obvious in light of the cited references. However, "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to

deprecate the claimed invention." In re Fine, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

In view of the foregoing, it is respectfully asserted that Hodges and Clapton, individually or combined, fail to teach or suggest all the recitations of independent claims 1 and 10. It is respectfully requested that independent claims 1 and 10 and related dependent claims be allowed.

#### **CONCLUSION:**

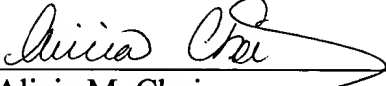
In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 1-10 this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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